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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/874,937	06/05/2001	Todd Ell	A773.12-0003	3519

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EXAMINER

JONES, HUGH M

ART UNIT	PAPER NUMBER
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2128

DATE MAILED: 03/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/874,937

Applicant(s)

ELL, TODD

Examiner

Hugh Jones

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 34-50 is/are allowed.
- 6) ☒ Claim(s) 1,3-10,12-21,24-31 and 51 is/are rejected.
- 7) ☒ Claim(s) 2,11,22,23,32 and 33 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/5/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12102001.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

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DETAILED ACTION

1. Claims 1-51 of U. S. Application 09/874,937, filed 10/17/2001 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3-10, 12-21, 24-31, 51 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Hauwiller.

4. The applied reference has a common assignee with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

5. Hauwiller et al. discloses a method/system of creating an application map for applying agricultural products to a field (title), the method comprising:

receiving agricultural data (fig. 1, # 102);

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creating field attribute maps based on the agricultural data (fig. 1, # 106; fig. 9, # 106);

creating a crop input requirement maps based on the field attribute maps and recommendation equations (fig. 2; fig. 7; fig. 3, # 226), and

creating application maps based on the crop input requirement maps and product information (fig. 1, # 106; fig. 2, 106, 216; fig. 7; fig. 8).

wherein creation of the application maps is further based on a unique set of data tags (fig. 3; fig. 13).

wherein the agricultural data is collected from the field and an application controller (fig. 1, # 102; fig. 4; fig. 6).

wherein creating the field attribute maps further comprises cleansing and validating the data such that it has a uniform format and is associated with correct latitude and longitude (fig.4, # 350; fig. 8-11; col. 5, lines 16-51; col. 9, lines 45-67).

wherein creating the field attribute maps further comprises storing the agronomic data in a data storage system (fig. 11, # 102, 206).

wherein creating the field attribute maps further comprises converting latitude and longitude coordinates of the agronomic data to a two-dimensional grid format, such that the entire field is broken into multiple grid cells (fig.4, # 350; fig. 8-11; col. 5, lines 16-51; fig. 7; col. 9, lines 45-67).

wherein creating the crop input requirement maps further comprises storing the recommendation equations and field attribute maps in a data storage system (fig. 3, # 206, 226; fig. 7).

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wherein creating the application maps further comprises storing the product information and crop input requirement maps in a data storage system (fig. 3, # 206; fig. 7).

wherein creating the application map is also based on user preferences (fig. 12, # 1306).

further comprising a planning system for establishing field boundaries and crop zones and creating yield goals (fig. 2, # 212; fig. 16, # 1702, 1706, 1712).

further comprising a data transfer system for sharing data with other software systems (fig. 3, # 216; fig. 7; fig. 16).

wherein the plurality of data modelers includes a nutrient modeler for handling soil sampling/analysis information (fig. 3, # 210).

wherein the plurality of data modelers includes an external data modeler for handling public agricultural information (fig. 2, # 216; fig. 3, # 216, 226).

Allowable Subject Matter

6. Claims 34-50 are allowed over the prior art of record.

7. Claims 2, 11, 22, 23, 32, 33, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be:

directed to:

Dr. Hugh Jones telephone number (703) 305-0023, Monday-Thursday 0830 to 0700 ET, **or** the examiner's supervisor, Kevin Teska, telephone number (703) 305-9704. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist, telephone number (703) 305-3900.

mailed to: Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to: (703) 308-9051 (for formal communications intended for entry) **or**

(703) 308-1396 (for informal or draft communications, please label "PROPOSED" or "DRAFT").

Dr. Hugh Jones

Primary Patent Examiner

March 5, 2005

HUGH JONES Ph.D.
PRIMARY PATENT EXAMINER
TECHNOLOGY CENTER 2400